

REMARKS

Claims 1-18 are pending in this application after this amendment. Claims 1 and 17 are independent. In light of the amendments and remarks contained herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

In the outstanding official action, the Examiner objected to the specification. The Examiner further rejected claims 1 and 5 under 35 U.S.C. § 102(e) as being anticipated by *Cookingham et al.* (USP 6,658,139); rejected 4, 6-9 and 13-16 under 35 U.S.C. § 103(a) as being unpatentable over *Cookingham et al.* in view of *Inoue et al.* (USP 5,844,542); rejected claims 2-3 under 35 U.S.C. § 103(a) as being unpatentable over *Cookingham et al.* in view of *Lau-Kee et al.* (USP 5,631,974); rejected claims 10 and 12 under 35 U.S.C. § 103(a) as being unpatentable over *Cookingham et al.* in view of *Inoue et al.* and *Lau-Kee et al.*; and rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over *Cookingham et al.* in view of *Campo et al.* (USP 5,526,285). Applicant respectfully traverses these rejections.

By this Amendment, Applicant has amended the claims to more appropriately recite the present invention. It is respectfully submitted that these amendments are being made without conceding the propriety of the Examiner's rejection, but merely to timely advance prosecution of the present application.

Specification

The Examiner objected to the specification asserting the recitation of "96" on page 34, line 15 should read "76". By this amendment, Applicant has amended the specification to

correct this typographical error. Based upon this amendment, it is respectfully requested that the outstanding rejection be withdrawn.

Claims Rejections – 35 U.S.C. § 102

In support of the Examiner's rejection of claim 1, the Examiner asserts that *Cookingham et al.* discloses a display citing to Figure 1 in column 4, lines 34-35 and a display unit for selecting at least one reference image from the at least one reference image and displaying on the display at least one reference image together with a predicting finished state image of the image processed by the image processing unit citing to Figure 1, column 4, lines 24-29, and column 6, lines 24-52. Applicant respectfully disagrees with the Examiner's characterization of this reference.

The disclosure of *Cookingham et al.* is directed to a method for assessing overall quality of digital images. In column 4, lines 34-35, *Cookingham et al.* clearly discloses the viewing environment including two high resolution video monitors 10 for viewing images.

In contrast, the present invention as set forth in claim 1, as amended, recites, *inter alia*, an image processing apparatus comprising a display and a display unit for selecting at least one reference image from the at least one reference image and simultaneously displaying on the display the at least one selected reference image together with the finished state predicting image of the image processed by the image processing unit. As *Cookingham et al.* fails to teach or

suggest simultaneously displaying on the display the at least one selected reference image together with the finished state predicting image of the image processed by the image processing unit, Applicant respectfully submits that claim 1 is not anticipated by *Cookingham et al.* At least for this reason, Applicant respectfully requests that the outstanding rejection be withdrawn.

In addition to the above argument, Applicant respectfully submits that claim 1, as amended, recites, *inter alia*, that first the image processing unit subjects an image supplied from an image data supply source to image processing based on image processing conditions; a display unit selects at least one reference image from at least one reference image and displays on the display the selected reference image together with a finished-state-predicting image; and then, a first adjustment unit adjusts the image processing conditions in the image processing unit using the selected reference image displayed on the display and the finished-state-predicting image. At this time, the image processing conditions to be used in the image processing unit are adjusted by comparing the finished-state-predicting image obtained from the image processing in the image processing unit with a selected reference image.

In contrast, in column 6, lines 43-51, *Cookingham et al.* describes using a digital image simulation pathway to simulate a digital reference image for each increment over the range of the determined numerical representation. The Examiner associates this description with the elements set forth in claim 1 in column 9, lines 5-10, of creating a reference image series of a reference scene. *Cookingham et al.* continues to iteratively display one of the reference images with the test image to compare and infer the numerical representation of the test image. In other words, while the test image is being kept on the display, reference images with different

processing conditions are iteratively displayed to thereby infer the numerical representation of the test image. Thus, the processing in *Cookingham et al.* is not sufficient to anticipate the processing to adjust the image processing conditions to obtain a finished state predicting image as recited in claim 1.

For at least reason, Applicant respectfully submits that *Cookingham et al.* fails to anticipate the claimed invention by failing to teach or suggest all of the claim elements. As such, Applicant respectfully submits that claim 1 is not anticipated by, and thus allowable over, *Cookingham et al.* It is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 2-16 and 18 are allowable for the reasons set forth above with regard to claim 1, at least based upon their dependency on claim 1. It is further respectfully submitted that claim 17 includes elements similar to those discussed above with regard to claim 1 and thus claim 17 is allowable for the reasons set forth above with regard to claim 1.

Conclusion

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinnet (Reg. No.

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52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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